

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 09/19/2019

MDL 1570 PLAINTIFFS' EXECUTIVE COMM

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

September 17, 2019

The Honorable Sarah Netburn
 Thurgood Marshall United States Courthouse
 40 Foley Square, Room 430
 New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

In accordance with the Court's September 6, 2019 Memo Endorsement, ECF No. 5091, the Plaintiffs' Executive Committees ("PECs") and Department of Justice ("DOJ") write to present their joint proposal for further briefing with regard to Plaintiffs' Motion to Compel Production of Certain Information in the 2012 FBI Summary Report. The parties jointly respectfully request that the Court enter an order authorizing the plaintiffs to file a reply brief, not to exceed 25 pages, on or before October 11, 2019, and that the government be permitted to file a sur-reply brief, not to exceed 10 pages, by October 25, 2019.

In support of this proposal, the PECs note that the government filed its recent opposition brief more than 100 days after plaintiffs filed their motion to compel. The government's brief was accompanied by multiple declarations, and represented the first time the government has conveyed its final determinations with respect to the information at issue and articulated the substantive bases for its assertions of privilege. Further, the government's opposition raises a number of privileges and arguments relating to the standards of review applicable to plaintiffs' subpoena. The parties' proposal is aimed at ensuring the clearest presentation of the issues for the Court's consideration, and to allow the necessary coordination on behalf of the plaintiffs.

The Plaintiffs' Executive Committees ("PECs") shall file a reply brief, not to exceed 25 pages, on or before October 11, 2019. The Department of Justice shall file a sur-reply brief, not to exceed 10 pages, by October 25, 2019.

SO ORDERED.

September 19, 2019
 New York, New York


SARAH NETBURN
 United States Magistrate Judge